

DEFAULT

FOR CASES WITHOUT CHILDREN

YOU CAN USE THIS PACKET IF ALL THIS IS TRUE:

- You filed a Petition for divorce or legal separation without children with the court.
- You served the court papers on Respondent.
- You filed proof of service with the court.
- Respondent failed to respond.
- Respondent is not on active duty with the military.
- You want to finish the case.

Before signing a court document or getting involved with a court case, it's important to see an attorney to make sure you understand your legal rights and responsibilities. The Self-Help Center has information on finding an attorney.

INSTRUCTIONS

STEP 1: CHECK THAT RESPONDENT FAILED TO RESPOND

See the table below for how long Respondent has to respond. Find the date in the “After” column on a calendar. Start counting on the next day. Count off the days in the “Count” column, including weekends and holidays. Respondent must respond by the last date you counted, unless it’s a weekend or court holiday, in which case Respondent must respond by the next workday. (Call the Clerk of Court at 928-679-7600 to make sure Respondent has not responded.)

How Were the Papers Served?	If the Papers Were Served In Arizona, Count:	If the Papers Were Served Outside of Arizona, Count:	After:
Acceptance of Service	20 days	30 days	Respondent signs the Acceptance of Service
Process Server	20 days	30 days	Respondent receives the papers from the process server
Sheriff or Tribal Law Enforcement	20 days	30 days	Respondent receives the papers from the officer
Certified Mail	20 days	30 days	Respondent signs the green card
Publication	30 days		30 days after the first publication

***If the Papers Were Served on an Indian Reservation in Arizona:** Depending on the facts and circumstances of the case, there *may* be more days for Respondent to respond. An attorney can advise you.

STEP 2: FILL OUT THE FOLLOWING FORMS

- ☐ Application for Default and Entry of Default
- ☐ Request for a Default Hearing
- ☐ Order Setting a Default Hearing
- ☐ Decree of Divorce or Legal Separation Without Children

You must list exactly the same things on the Decree that you listed on the Petition. You cannot use the Decree to ask for something new or different from what you asked for on the Petition.

STEP 3: FILE THE FORMS WITH THE COURT

Take or mail the original and two copies of the forms listed above to the Clerk of Superior Court, 200 N. San Francisco St., Flagstaff, AZ 86001. The Clerk will stamp your copies with the filing date and return them to you. If you file by mail, include a self-addressed, stamped envelope and a note asking the Clerk to return the copies.

STEP 4: MAIL THE FORMS TO RESPONDENT

Mail a copy of the forms to Respondent on the day you file them. If Respondent has an attorney, also mail them to the attorney. If 1) you don't know Respondent's whereabouts and 2) Respondent doesn't have an attorney or you don't know whether Respondent has an attorney, mail them to Respondent's last known address.

STEP 5: IF RESPONDENT FILES A RESPONSE: DECIDE HOW TO PROCEED

If the Parties Come to Agree on All Terms:

Both parties can: Submit a Consent Decree. See the Self-Help Center packet on *Consent Decree*.

The case will end: When the court signs the Consent Decree.

If the Parties Do Not Agree on All Terms:

Either party can: Ask the court to schedule a trial if the court does not automatically schedule a hearing. See the Self-Help Center packet *Finishing a Case: A Response Was Filed: The Other Party Won't Sign*.

The case will end: At a trial.

STEP 6: IF RESPONDENT DOES NOT FILE A RESPONSE: THE COURT WILL MAIL YOU THE SIGNED ORDER SETTING A DEFAULT HEARING WITH THE HEARING DATE FILLED IN

STEP 7: DELIVER THE ORDER SETTING DEFAULT HEARING TO RESPONDENT

By three days before the hearing, mail or hand-deliver a copy of the signed Order Setting Hearing to Respondent if you know where Respondent lives. If Respondent has an attorney, deliver the copy to the attorney.

STEP 8: GO TO THE HEARING

Be prepared to tell the judge why you think the court should grant your requests.

Before the court date, watch the court video *How to Represent Yourself in Court* online at <http://www.youtube.com/watch?v=SfSclA2BkCk> to learn about procedures in court.

STEP 9: BY 3 DAYS AFTER THE COURT SIGNS THE DECREE: DELIVER TO THE OTHER PARTY EACH FORM THE COURT SIGNS

If you don't know the other party's whereabouts and the other party doesn't have an attorney: Skip this step.

Mail or hand-deliver to the other party a copy of each form the court signs. If the other party has an attorney, deliver them to the attorney.

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self _____

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

Petitioner: _____ Case Number: DO _____

**APPLICATION FOR DEFAULT AND
ENTRY OF DEFAULT**

Respondent: _____

Notice to Respondent: *If you do not file a written response with the court or otherwise defend in this action within 10 days of this Application being filed, a default judgment may be entered against you.*

I, Petitioner, ask the court to enter default of Respondent. I served a copy of the Petition and Summons on Respondent, and Respondent failed to plead or otherwise defend in this action within the time required by law. Respondent is not in military service.

[] I served the Summons by publication in a newspaper. I don't know Respondent's whereabouts, and Respondent doesn't have an attorney or I don't know whether Respondent has an attorney.

Certificate of Mailing: On the day I file it, I will mail a copy of this document to the other party and his/her attorney if he/she has one at *(if you knew Respondent's address when you served the Summons, but you do not know it now, enter Respondent's last known address)*:

Respondent:
Street Address: _____ City, State, Zip: _____
Respondent's Attorney's Name: _____
Street Address: _____ City, State, Zip: _____

Sign in front of a notary. Notaries are at the Self-Help Center in the Courthouse and at most banks or listed in the Yellow Pages. The person signing must bring photo ID. Notaries usually charge a fee.

Petitioner's Signature: _____

State of Arizona)

)

County of _____)

Subscribed and sworn before me this date: _____ by: _____

Seal:

Notary Public: _____

Notary Expiration Date: _____

ENTRY OF DEFAULT

Respondent was properly served with the necessary papers in this case. Respondent failed to respond in the manner or time required by law. Default of Respondent is entered.

Date: _____

Clerk of Superior Court by Deputy Clerk

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self _____

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

Petitioner: _____ Case Number: DO _____

**REQUEST FOR A DEFAULT
HEARING**

Respondent: _____

I, Petitioner, ask the court to set a default hearing in this case. Respondent has defaulted, and all applicable time periods have passed.

Date: _____ Petitioner's Signature: _____

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self _____

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

Petitioner: _____ Case Number: DO _____

**ORDER SETTING A DEFAULT
HEARING**

Respondent: _____

Leave the rest of the form blank. This is for the court to fill in.

Good cause appearing, IT IS ORDERED that a default hearing is set in this case as follows:

Date: _____

Time: _____

Superior Court Division: _____

(All Divisions are in the Coconino County Courthouse at 200 N. San Francisco St., Flagstaff.)

If you know in advance that you can't attend the hearing on the date scheduled, you may ask the court to reschedule, or "continue", the hearing. Asking for a continuance involves multiple steps and deadlines that the court will expect you to know and follow. See the Self-Help Center packet *Moving a Court Date to a Later Date*.

Date: _____

Superior Court Judge: _____

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self _____

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

Petitioner: _____ Case Number: DO _____

DECREE OF:

☐ **LEGAL SEPARATION**

☐ **DIVORCE**

WITHOUT MINOR CHILDREN

By Default or After Trial

Respondent: _____ ATLAS Number: _____

THE COURT FINDS:

This case has come before the court for a Decree. The court has taken all testimony needed to enter a final Decree. The court has jurisdiction over the parties under the law, and the provisions of the Decree are fair and reasonable under the circumstances.

The Parties and the Marriage:

The conciliation provisions have been met or do not apply.

For a Decree of Legal Separation: The parties' non-covenant marriage is irretrievably broken, or at least one party desires to live separate and apart. At least one party lived in Arizona, or was stationed in Arizona while a member of the armed services, on the date the Petition was filed. Respondent does not object to a decree of legal separation.

For a Decree of Divorce: The parties' non-covenant marriage is irretrievably broken. At least one party lived in Arizona for at least the 90 days before the date the Petition was filed.

THE COURT ORDERS:

For a Decree of Legal Separation: The parties are legally separated.

For a Decree of Divorce: The parties' marriage is dissolved.

Spousal Support:

- ☐ Neither party is entitled to spousal support.
- ☐ ☐ Petitioner or ☐ Respondent shall receive \$_____ per month in spousal support from the other party beginning the first day of the month after the Decree is signed.because he/she:
- ☐ Lacks sufficient property to provide for his or her reasonable needs
 - ☐ Is unable to support himself or herself through appropriate employment
 - ☐ Is the custodian of at least one child whose age or condition is such that the person should not be required to seek employment outside the home
 - ☐ Lacks earning ability in the labor market adequate to support himself or herself
 - ☐ Contributed to the educational opportunities of the other spouse
 - ☐ Had a marriage of long duration and is now of an age that precludes the possibility of gaining employment adequate to support himself or herself

Payments shall be made by the first day of each month thereafter and continue until the receiving party is remarried or deceased or until _____, whichever is sooner.

Payments shall be made through the Support Payment Clearinghouse by automatic wage assignment.

Property and Debts:

Community property and debts are divided and separate property and debts are confirmed as follows.

	Value	Petitioner	Respondent
Community Property:			
<u>Real Estate:</u>			
Address: _____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
Legal Description: _____			
Address: _____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
Legal Description: _____			
<u>Bank Accounts:</u>			
<i>Enter the name on the account and the account description (for example, "savings").</i>			
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

	Value	Petitioner	Respondent
<u>Motor Vehicles:</u>			
Make: _____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
Model: _____			
Lienholder: _____			
Last Four Digits of VIN: _____			
Make: _____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
Model: _____			
Lienholder: _____			
Last Four Digits of VIN: _____			
<u>Employment Benefits:</u>			
<i>Examples: 401K, retirement accounts, pensions.</i>			
<i>Enter name on the account and the fund name.</i>			
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

Other Community Property:

☐ The parties have already divided all remaining property, and the court confirms that division, except as follows.

	Value	Petitioner	Respondent
Household Furniture and Appliances:			
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
Other:			
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

Community Debts:

Enter the name on the account, creditor, and description (for example, "credit card").

_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

Separate Property:

_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

	Value	Petitioner	Respondent
Separate Debts:			
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
_____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

Each party shall pay all debts unknown to the other party. Each party shall pay his or her debts forward from the date the Petition was served on Respondent. This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfers of title ordered in this Decree, such as for motor vehicles, houses, and bank accounts. The parties shall transfer all real and personal property to the other party as ordered within 10 calendar days after the judge signs the Decree.

Enforcement of Temporary Orders: *(Leave this paragraph blank.)* For obligations ordered to be paid in the temporary orders dated _____: ☐ they are satisfied in full or ☐ judgment is awarded against the party with the obligation. The amount owing as of the date of this Decree is \$ _____. At the legal rate of interest, the total amount currently owing is \$ _____.

Names (for Divorce only):

Petitioner's former name is restored to: _____
Respondent's former name is restored to: _____

Other Orders:

Petitioner shall mail a copy of this Decree to Respondent.

Date: _____ Superior Court Judge: _____

APPROVED BY:

I have read this Decree and agree to be bound by its terms and conditions.

Sign in front of a notary. Notaries are at the Self-Help Center in the Courthouse and at most banks or listed in the Yellow Pages. The person signing must bring photo ID. Notaries usually charge a fee.

Petitioner's Signature: _____

State of Arizona)

)

County of _____)

Subscribed and sworn before me this date: _____ by: _____

Seal:

Notary Public: _____

Notary Expiration Date: _____